

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. The Department notified the petitioner in writing that he was not eligible for Food Stamps on June 7, 2000. He appealed that determination because he believes he should have

received deductions from income for all of his household expenses and for the child support, \$152 every two weeks, which he pays to his ex-wife.

ORDER

The decision of the Department is affirmed.

REASONS

The rules adopted by the Department of Social Welfare governing eligibility for the Food Stamp program, which follow the wording in the federal regulations at 7 C.F.R 273.9 and 273.10, provide at the outset that the gross earned income of the family be included in the calculation for eligibility. F.S.M. 273.9(b)(1). That gross income (countable income before deductions) must be compared to a figure representing 130% of the federal poverty level which for a three person household is \$1,504. P-2590 C. If the gross income test is "failed", that is if the applicant's income is determined to be greater than the maximum, the applicant is not eligible for Food Stamps. If the test is "passed" the applicant's income is subjected to a number of deductions and then compared to a "net income" test. F.S.M. 273.9 (a).

The petitioner in this case has undisputed gross income of \$1,548.00 per month. Because that amount is \$44.00 more than the gross income maximum, the petitioner has "failed" the "gross income test." This failure means that he must be determined ineligible for Food Stamps without regard to any deductions for expenses he might have. If his gross income were \$1,504.00 or less, he would receive several deductions and move on to the "net income" test. However, as his income is over that figure, the Department correctly found him ineligible at this preliminary step and he is not entitled to any further consideration or deductions under program rules.

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